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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,521	07/28/2003	Stephen R. Elgin II	15NM5686	1520
27256	7590	01/03/2005	EXAMINER	
ARTZ & ARTZ, P.C. 28333 TELEGRAPH RD. SUITE 250 SOUTHFIELD, MI 48034				ROJAS, BERNARD
		ART UNIT		PAPER NUMBER
		2832		

DATE MAILED: 01/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/604,521	ELGIN ET AL.
	Examiner Bernard Rojas	Art Unit 2832

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 October 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
  - 4a) Of the above claim(s) 12-20 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-7, 10, 11 is/are rejected.
- 7) Claim(s) 8 and 9 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Election/Restrictions***

Applicant's election without traverse of Group I in the reply filed on 10/07/2004 is acknowledged.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Herndon et al. (2004/0051612 A1).

Claim 1, Herndon et al. discloses a method of fabricating a superconducting magnet coil support structure comprising: designing a preformed support tooling for the superconducting magnet coil support structure (180); fabricating said preformed support tooling (182); performing a wet winding process to form said superconducting magnet coil support structure comprising (184); winding a first resin material onto said preformed support tooling to form a base; and applying a second resin material onto said base to form a plurality of spacers and a plurality of pockets on said base; and

curing said superconducting magnet coil support structure (186); and removing said preformed support tooling from said superconducting magnet coil support structure (190, Figure 5).

Claim 2, Herndon et al. discloses a method as in claim 1 wherein the step of designing said preformed support tooling further comprising: determining dimensions of the superconducting magnet; determining dimensions of space available for said superconducting magnet coil support structure; determining a mounting configuration of said superconducting magnet coil support structure; designing dimensions of said superconducting magnet coil support structure to accommodate for said dimensions of said superconducting magnet, said dimensions of space available, and said mounting configuration; and designing dimensions of said preformed support tooling (paragraphs 6-8).

Claim 3, Herndon et al. discloses a method as in claim 1 wherein the step of performing a wet winding process further comprises: winding prepreg onto said preformed support tooling to form a base; and applying fiber cloth onto said base to form a plurality of spacers and a plurality of pockets on said base (paragraph 31).

Claim 4, Herndon et al. discloses a method as in claim 1 wherein the step of performing a wet winding process further comprises: winding said first resin material onto said preformed support tooling to form a base; then inserting said base into a vacuum chamber; curing said base; and applying said second resin material onto said base (paragraph 40).

Claim 5, Herndon et al. discloses a method as in claim 1 wherein applying a first resin material and applying a second resin material comprises applying a resin material selected from fiberglass tape with epoxy (paragraph 5-6).

Claim 6, Herndon et al. discloses a method as in claim 1 wherein the step of performing a wet winding process further comprises winding fiber cloth having strands of fiber onto said preformed support tooling (paragraphs 5-6).

Claim 7, Herndon et al. discloses a method as in claim 6 wherein the step of winding fiber cloth onto said preformed support tooling further comprises varying the widths of said fiber cloth to form said plurality of spacers and said plurality of pockets (paragraphs 5-6).

Claim 10, Herndon et al. discloses a method as in claim 6 wherein the step of winding fiber cloth is performed by a computer numerically controlled (CNC) multi-axis winder (paragraph 38).

Claim 11, Herndon et al. discloses a superconducting magnet coil support structure formed according to the method of claim 1 (Figures 2 and 3).

### ***Allowable Subject Matter***

Claims 8 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bernard Rojas whose telephone number is (571) 272-1998. The examiner can normally be reached on M-F 8-4:00), every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin G. Enad can be reached on (571) 272-1990. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Br

*Elvin G. Enad*  
SPE-AU2832  
12/27/09